REMARKS

The present application has been reviewed in light of the Office Action dated

March 27, 2003. Claims 1, 3-7, and 9-13 are presented for examination, of which Claims 1, 5,

and 10-13 are in independent form. Claims 2 and 8 have been cancelled, without prejudice or

disclaimer of the subject matter presented therein. Claims 1, 3-7, and 9-13 have been amended

as to formal matters and/or to define Applicant's invention more clearly. Favorable

reconsideration is requested.

The Office Action states that the title of the invention is not descriptive. The title

has been amended to read as follows: --DATA TRANSMISSION APPARATUS AND

METHOD WITH CONTROL FEATURE FOR TRANSMITTING DATA OR

TRANSMITTING A STORAGE LOCATION OF DATA--. Applicant respectfully submits that

the title, as amended, is clearly indicative of the invention to which the claims are directed.

The Office Action states that the abstract of the disclosure is objected to, on the

grounds that the use of the word "means" is inappropriate. Applicant has replaced the original

abstract with the Substitute Abstract presented herein. Applicant submits that the Substitute

Abstract overcomes the informalities of the original abstract. Accordingly, withdrawal of the

objection is respectfully requested.

The Office Action states that Claims 1, 5, and 10-13 are rejected under 35

U.S.C. § 102(e) as being anticipated by U.S. Patent No. 4,386,416 (Giltner et al.); that Claims 1,

4, 10 and 12 are rejected under § 102(e) as being anticipated by U.S. Patent No. 5,774,654

(Maki); that Claims 5, 11, and 13 are rejected under § 103(a) as being unpatentable over Maki;

and that Claims 2, 3, and 6-9 are rejected under § 103(a) as being unpatentable over Maki in

view of U.S. Patent No. 6,009,462 (Birrell et al.). Cancellation of Claims 2 and 8 renders their

rejections moot. Applicant submits that independent Claims 1, 5, and 10-13, together with the

claims dependent thereon, are patentably distinct from the cited prior art for at least the following

reasons.

An aspect of the present invention set forth in Claim 1 is directed to a data

transmission apparatus that includes an input unit, a transmission unit, a discrimination unit, a

storage unit, and a control unit. The input unit is adapted to input data, and the transmission unit

is adapted to transmit the inputted data to a destination. The storage unit is adapted to store the

inputted data to a predetermined memory. The discrimination unit is adapted to discriminate an

attribute of the inputted data, and a control unit is adapted to control a transmission operation of

the transmission unit in accordance with a discrimination result obtained by the discrimination

unit, such that the transmission unit transmits to the destination the inputted data or information

indicating a storage location used by the storage unit.

One of the features of Claim 1 is that the apparatus transmits inputted data to the

destination or transmits information indicating a storage location used by the storage unit to the

destination, in accordance with the attribute of the inputted data. For example, if the inputted

data is of a large size, this feature allows the destination to receive either the inputted data or

information on where the inputted data is stored.[1]

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[1]   It should be understood that the example is provided purely for illustrative purposes. It should not be
       construed that the present invention is limited to this example.

Giltner et al. relates to a data compression system that reduces the number of bits required to transmit a message. Maki relates to communication via a plurality of communication channels. Nothing has been found in either Giltner et al. or Maki that is believed to teach or suggest a data transmission apparatus that includes "a control unit, arranged to control a transmission operation of said transmission unit in accordance with a discrimination result obtained by said discrimination unit," wherein "said control unit controls such that said transmission unit transmits the data inputted by said input unit to the destination, or such that said transmission unit transmits information indicating a storage location used in said storage unit to the destination, in accordance with the discrimination result obtained by said discrimination unit," as recited in Claim 1. As discussed above, this feature of the apparatus allows the destination to receive either the inputted data or information on where the inputted data is stored, based on the attribute of the inputted data.

Accordingly, Applicant submits that Claim 1 is patentable over Giltner et al. and Maki, considered individually or in combination, and respectfully request withdrawal of the rejections. Independent Claims 5 and 10-13 include a feature similar to that discussed above, in which data transmission is controlled with respect to whether inputted data is transmitted to a destination or whether information indicating where the inputted data is stored is transmitted to the destination, based on a discrimination result. Therefore, those claims also are believed to be patentable for at least the same reasons as discussed above.
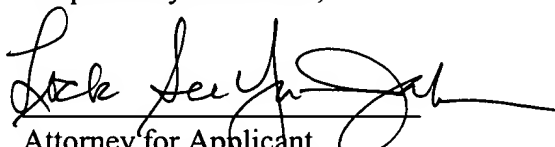
The other rejected claims in this application depend from one or another of the independent claims discussed above and, therefore, are submitted to be patentable for at least the

same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

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